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12:17 pm, Nov 06, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

SUPPLEMENT MANUFACTURING
PARTNER, INC. d/b/a SMP NUTRA,

Plaintiff,

v.

WILLIAM CARTWRIGHT,

Defendant.

Civil Action No. 2:23-cv-06585-JMA-AYS

CONSENT ORDER

1. WHEREAS, Plaintiff, SUPPLEMENT MANUFACTURING PARTNER, INC. d/b/a SMP NUTRA (“SMP Nutra”) commenced this action by complaint filed September 1, 2023 (ECF No. 1) against William Cartwright (“Cartwright”);

2. WHEREAS, the time for Cartwright to answer or otherwise respond to the Complaint has been extended, and Cartwright has not yet filed an answer, counterclaim, or motion addressed to the Complaint;

3. WHEREAS, the Court granted an *ex parte* temporary restraining order on September 6, 2023 (ECF No. 10) (the “TRO”), which the Court has extended and which remains in place as of today;

4. WHEREAS, the parties seek to resolve any claims they may have against each other without the expense, delays, risks, and uncertainties of litigation. By entering into this Consent Order, Cartwright does not admit the truth of any allegations made against him by SMP Nutra in the Complaint; and

5. WHEREAS, the parties consent to the entry of this Consent Decree;

WHEREFORE, it is ORDERED, ADJUDGED, and DECREED:

6. The Complaint is dismissed with prejudice as to Claims 1 and 2 and dismissed without prejudice as to Claims 3 and 4;

7. To the extent not already completed, Cartwright shall:

- a. Grant access to SMP Nutra the <smpnutra.com> Office Exchange 365 account, the <smpnutra.com> domain name, the <smpnutra.com> website, and makes available all passwords for SMP Nutra accounts including, but not limited to, the HubSpot account; and
- b. Restore and/or transfer exclusive control over all of the items in section (a) above to SMP Nutra.
- c. SMP Nutra's exclusive control over all of the items in section (a) above shall be permanent;

8. Unless otherwise authorized by SMP Nutra, Cartwright, his agents, officers, and employees, and all other persons and entities in active concert or participation with him, are enjoined from:

- a. Accessing, searching, disclosing, copying, or otherwise converting SMP Nutra's electronic files except as provided to Cartwright, his agents, officers, or employees in connection with alternative dispute resolution between the parties (and in such case only in connection with said alternative dispute resolution);
- b. Engaging in any activity that uses SMP Nutra's proprietary data that was created on or after the formation of SMP Nutra, including but not limited to customer lists, vendor lists, and pricing models; and

- c. Denying SMP Nutra access to the <smpnutra.com> Office Exchange 365 email accounts, the <smpnutra.com> domain name, the <smpnutra.com> website, SMP Nutra's Hubspot account, or any other SMP Nutra accounts;

9. So long as Cartwright is in compliance with Sections 7 and 8 herein, SMP Nutra will not assert any cause of action against Cartwright arising from or related to breach of fiduciary duty for any conduct arising after October 4, 2023; and

10. The Court shall retain jurisdiction to enforce this Consent Order.

Dated: Central Islip, NY
November 6, 2023

SO ORDERED

/s/ JMA

Hon. Joan M. Azrack, U.S.D.J.